

Amendment No. 1 to HB2590

Farmer
Signature of Sponsor

AMEND Senate Bill No. 2331*

House Bill No. 2590

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 37-1-115(c)(1), is amended by adding the following as a new subdivision:

(D) Make efforts to contact a parent, guardian, or legal custodian of the child if the officer deems it to be appropriate.

SECTION 2. Tennessee Code Annotated, Section 37-1-131(a)(4)(B), is amended by adding the following as a new subdivision:

(iv) The current offense for which the child has been adjudicated delinquent and is subject to disposition would constitute a misdemeanor if committed by an adult, and the child has previously been adjudicated delinquent for an offense listed in subdivision (a)(2)(B)(i);

SECTION 3. Tennessee Code Annotated, Section 37-1-116, is amended by deleting subdivision (j)(4) and substituting instead the following:

(4)

(A) Upon an escape by a juvenile who is alleged or adjudicated to be delinquent by virtue of an act which is a felony if committed by an adult and who is confined to a secure detention or correctional facility designated, operated, or approved by the court; a youth development center; or other hardware secure or staff secure facility that contracts with the department, the on-site facility supervisor-in-charge shall immediately report the escape in the following manner and order of priority:

(i) By telephone to the chief law enforcement officer of the county in which the facility is located;

(ii) By telephone to the department of children's services; and

(iii) By email to the state house of representatives member and the state senate member for the legislative district in which the facility is located.

(B) The report of the escape to the chief law enforcement officer and the department of children's services must include:

(i) The circumstances of the escape, including, but not limited to, the time the escape occurred and the number of escapees;

(ii) The name and description of each escapee, including, but not limited to, the escapee's age, height, weight, complexion, race, hair and eye color, and clothing worn at the time of the escape; and

(iii) The county in which the escapee was committed to the custody of the department and the incident date and offense for which the escapee was committed to the custody of the department.

(C) The report of the escape to the state house of representatives member and the state senate member must include the time of the escape, the number of the escapees, and the age of each escapee.

(D) An on-site facility supervisor-in-charge who intentionally fails to comply with the reporting requirements of this subdivision (j)(4) may be charged with the offense of permitting or facilitating escape under § 39-16-607.

SECTION 4. Tennessee Code Annotated, Section 37-1-116(j)(5), is amended by deleting the subdivision and substituting instead the following:

(5)

(A) Upon a security breach at a secure detention or correctional facility designated, operated, or approved by the court for confinement of juveniles; a

youth development center; or other hardware secure or staff secure facility that contracts with the department, the on-site facility supervisor-in-charge shall immediately report the security breach in the following manner and order of priority:

- (i) By telephone to the chief law enforcement officer of the county in which the facility is located;

- (ii) By telephone to the department of children's services; and

- (iii) By email to the state house of representatives member and the state senate member for the legislative district in which the facility is located.

(B) The report of the security breach to the chief law enforcement officer and the department of children's services must include:

- (i) The circumstances of the security breach, including, but not limited to, the time and location of the security breach; and

- (ii) The name and description of each person involved in the security breach, including, but not limited to, the age, height, weight, complexion, race, and hair and eye color, if known.

(C) The report of the security breach to the state house of representatives member and the state senate member must include the time the security breach occurred, the number of youth involved in the security breach, and the age of each youth involved in the security breach, if known.

(D) An on-site facility supervisor-in-charge who intentionally fails to comply with the reporting requirements of this subdivision (j)(5) may be charged with the offense of permitting or facilitating escape under § 39-16-607.

(E) As used in this subdivision (j)(5), "security breach" means the unauthorized entry into a secure detention or correctional facility designated, operated, or approved by the court for confinement of juveniles; a youth

development center; or other hardware secure or staff secure facility that contracts with the department by an adult or youth.

SECTION 5. This act takes effect July 1, 2022, the public welfare requiring it, and applies to acts committed on or after that date.